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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,092	03/31/2004	Wen-Hao Liu	KH-US116	5666

7590 02/09/2006
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3550 BELL ROAD
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EXAMINER

WHITE, DWAYNE J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/813,092

Applicant(s)

LIU, WEN-HAO

Examiner

Dwayne J. White

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment filed 12 December 2005 been fully considered. Upon further consideration and newly discovered prior art, new grounds for rejection have been made below. Claims 11-16 are pending. The Examiner also wishes to note that claim 15 appears to be identical to claim 12 and both claims depend from claim 11. Should both claims come into condition for allowance the later claim 15 would be rejected as a duplicate of claim 12.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 16 recites the limitation of "the shield member is built up to the frame by way of built up." It is unclear what is being claimed with this language. Since the Examiner cannot discern the metes and bound of this claim, the Examiner is withholding judgment in regards to patentability until clarification is provided.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. in view of Huang et al. (6,869,269). Lin et al. disclose a axial flow fan comprising a frame 20; a driving device being disposed in the frame and supported by support parts of the frame (See Figure 2c); and a fan blade part 21 providing a hub member and a plurality of fan blades attached to an outer rim of the hub member and engaging the driving device. The fan blades' lower edges are disposed above and flush with the upper edge of the frame. Lin et al. does not disclose a shield member joined to the frame to surround the fan blades.

Huang et al. teaches (Figures 9 and 10) an auxiliary frame or shield 70 that can be formed integrally with the frame member 52. Since both Lin et al. and Huang et al. disclose axial flow fan wherein the impeller is positioned at least partially above the fame, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the frame of Lin et al., with the teachings of Huang et al., by adding a shield to the frame for the purpose of guarding the blades while the fan is being handled as taught by Huang et al. (column4, lines 23-26).

Claims 11, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner in view of Huang et al. Wagner discloses a axial flow fan comprising a frame a fan blade part providing a hub member and a plurality of blades attached to the hub member and characterized in the blades are disposed outside the frame and flush with the upper edge of the frame. While Wagner does not disclose a driving device it is inherent for the cooling device to function that some sort of driving device is disposed within the frame. In the alternative, it would have been obvious at the time the invention was made to one of ordinary skill in the art to

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modify the axial flow fan of Wagner by providing a driving device for the purpose of rotating the fan blades. Wagner does not disclose a shield member joined to the frame and surrounding the blades.

Huang et al. teaches (Figures 9 and 10) an auxiliary frame or shield 70 that can be formed integrally with the frame member 52. Since both Wagner and Huang et al. disclose axial flow fan wherein the impeller is positioned at least partially above the fame, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the frame of Wagner, with the teachings of Huang et al., by adding a shield to the frame for the purpose of guarding the blades while the fan is being handled as taught by Huang et al. (column4, lines 23-26).

CONCLUSION

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

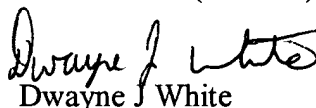
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J. White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:00 am to 4 pm T-F and alternate Mondays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dwayne J White
Patent Examiner
Art Unit 3745

DJW



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

2/4/06